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## HITT GAINES, P.C.

Intellectual Property Law & Related Matters

### FACSIMILE TRANSMISSION

TO: USPTO  
Examiner: Ted M. Wang – Group Art Unit: 2634

FAX NO. (571) 273-8300

FROM: J. Joel Justiss

RE: Serial No.: 09/746,352  
Attorney Docket No.: J. LIN 3

- Statement Under 37 C.F.R. 3.73(b)
- Copy of Recorded Assignment
- Patent Assignment between Lucent Technologies Inc. and Agere Systems Guardian Corp.
- Certificate of Merger between Agere Systems Guardian Corp. and Agere Systems Inc.

DATE: April 3, 2006

PAGES: 15 (including cover page)

If you do not receive the indicated number of pages, please notify the sender at the telephone number shown below. Thank you.

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#### MESSAGE:

---

Mailing Address: P.O. Box 832570, Richardson, Texas 75083-2570  
Street Address: Palisades Central II, 2435 North Central Expressway, Suite 1300, Richardson, Texas 75080-2753 U.S.A.  
Tel: (972) 480-8800 Fax: (972) 480-8865 firm@hittgaines.com

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NO. 4462 P. 2

PTO/SB/96 (12-05)

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Agere Systems Inc.

Application No./Patent No./Control No.: 09/746,352

Filed/Issue Date: 12/21/2000

Entitled: CHANNEL OPTIMIZATION SYSTEM

Agere Systems Inc.

, a Corporation

(Name of Assignee)

(Type of Assignee: corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_%)

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a true copy of the original assignment is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

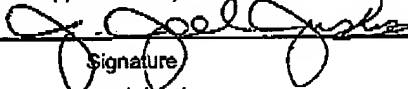
1. From: Jingdong Lin To: Lucent Technologies Inc.  
The document was recorded in the United States Patent and Trademark Office at  
Reel 011428, Frame 0046, or for which a copy thereof is attached.
2. From: Lucent Technologies Inc. To: Agere Systems Guardian Corp.  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: Agere Systems Guardian Corp. To: Agere Systems Inc.  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

  
Signature

April 3, 2006

Date

J. Joel Justiss  
Printed or Typed Name

972-480-8800

Telephone Number

Attorney for Applicant  
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

MARCH 28, 2001

PTAS

HITT GAINES & BOISBRUN, P.C.  
GLENN W. BOISBRUN  
P.O. BOX 832570  
RICHARDSON, TEXAS 75083



\*101587904A\*

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RECORDATION DATE: 12/21/2000

REEL/FRAME: 011428/0046  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

LIN, JINGDONG

DOC DATE: 12/18/2000

ASSIGNEE:

LUCENT TECHNOLOGIES, INC., A CORP.  
OF DELAWARE  
600 MOUNTAIN AVENUE  
MURRAY HILL, NEW JERSEY 07974-0636

SERIAL NUMBER: 09746352  
PATENT NUMBER:

FILING DATE: 12/21/2000  
ISSUE DATE:

ALLYSON PURNELL, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

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NO. 4462 P. 4

FORM PTO-1619A  
Expires 05/30/99  
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01-18-2001

U.S. Department of Commerce  
Patent and Trademark Office  
**PATENT**

12/21/00



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9/746352

J. LIN 3

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Reel #  Frame #

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- ☐ License ☐ Change of Name
- ☐ Merger ☐ Other
- U.S. Government**  
(For Use ONLY by U.S. Government Agencies)
- ☐ Departmental File ☐ Secret File

**Conveying Party(ies)**

☐ Mark if additional names of conveying parties attached

Execution Date  
Month Day Year  
12 18 2000

Name (line 1) Jingdong Lin

Name (line 2)

**Second Party**

Name (line 1)

Name (line 2)

**Receiving Party**

☐ Mark if additional names of receiving parties attached

Name (line 1) Lucent Technologies, Inc.

Name (line 2) a Corporation of Delaware

Address (line 1) 600 Mountain Avenue

Address (line 2)

Address (line 3) Murray Hill

New Jersey

07974-0636

City

State/Country

Zip Code

☐ If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)

**Domestic Representative Name and Address**

Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

01/18/2001 DNGUYEN 00000110 082395 09746352

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Page 2

U.S. Department of Commerce  
Patent and Trademark Office  
**PATENT**

**Correspondent Name and Address**

Area Code and Telephone Number (972) 480-8800

Name Glenn W. Boisbrun

Address (line 1) Hitt Gaines & Boisbrun, P.C.

Address (line 2) P.O. Box 832570

Address (line 3) Richardson, Texas 75083

Address (line 4)

**Pages**

Enter the total number of pages of the attached conveyance document including any attachments.

# 4

**Application Number(s) or Patent Number(s)**

☐ Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)

Patent Number(s)

N/A						

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month Day Year  
12 18 2000

**Patent Cooperation Treaty (PCT)**

Enter PCT application number  
only if a U.S. Application Number  
has not been assigned.

PCT		PCT		PCT	
PCT		PCT		PCT	

**Number of Properties**

Enter the total number of properties involved.

# 1

**Fee Amount**

Fee Amount for Properties Listed (37 CFR 3.41): \$ 40.00

Method of Payment:  
Deposit Account

Enclosed ☐ Deposit Account ☒

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

# 08-2395

Authorization to charge additional fees:

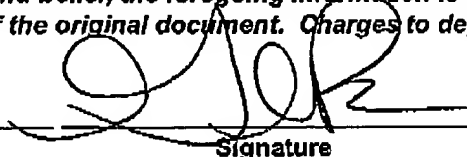
Yes ☒ No ☐

**Statement and Signature**

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.*

Glenn W. Boisbrun

Name of Person Signing



Signature

12/21/2000

Date

DOCKET NO. J. LIN 3

PATENT

ASSIGNMENT


For value received, I, Jingdong Lin, a citizen of China and resident of Irvine in the County of Orange and the State of California, hereby sell, assign and transfer to Lucent Technologies Inc., a corporation of the State of Delaware, having an office at 600 Mountain Avenue, Murray Hill, New Jersey 07974-0636, U.S.A., and its successors, assigns and legal representatives, the entire right, title and interest, for the United States of America, in and to certain inventions related to "CHANNEL OPTIMIZATION SYSTEM" described in an application for Letters Patent of the United States, executed by us of even date herewith, and all the rights and privileges in said application and under any and all Letters Patent that may be granted in the United States for said inventions; and we also concurrently hereby sell, assign and transfer to Lucent Technologies Inc. the entire right, title and interest in and to said inventions for all countries foreign to the United States, including all rights of priority arising from the application aforesaid, and all the rights and privileges under any and all forms of protection, including Letters Patent, that may be granted in said countries foreign to the United States for said inventions.

I authorize Lucent Technologies Inc. to make application for such protection in its own name and maintain such protection in any and all countries foreign to the United States, and to invoke and claim for any application for patent or other form of protection for said inventions, without further authorization from me, any and all benefits, including the right of priority provided by any and all treaties, conventions or agreements.

I hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any document which may be required in any country in proof of the right of Lucent Technologies Inc. to apply for patent or other form of protection for said inventions and to claim the aforesaid benefit of the right of priority.

I request that any and all patents for said inventions be issued to Lucent Technologies Inc. in the United States and in all countries foreign to the United States, or to such nominees as Lucent Technologies Inc. may designate.


I agree that, when requested, I shall, without charge to Lucent Technologies Inc. but at its expense, sign all papers, and do all acts which may be necessary, desirable or convenient in connection with said applications, patents, or other forms of protection.

  
\_\_\_\_\_  
Jingdong Lin

STATE OF California  
COUNTY OF Orange

§  
§  
§

On this 18<sup>th</sup> day of December, 2000, before me personally came Jingdong Lin, to me known to be the individual described herein and who executed the foregoing instrument, and acknowledged execution of the same.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

Aug. 24, 2004



Lucent Technologies, Inc.  
600 Mountain Avenue (Room 3C-512)  
P.O. Box 636  
Murray Hill, New Jersey 07974-0636

**EXECUTION COPY**

---

**PATENT ASSIGNMENT**

**by and between**

**LUCENT TECHNOLOGIES INC.**

**and**

**AGERE SYSTEMS GUARDIAN CORP.**

**Dated as of January 30, 2001**

---



## PATENT ASSIGNMENT

THIS PATENT ASSIGNMENT (this "Assignment"), effective as of January 30, 2001 (the "Effective Date"), is by and between Lucent Technologies Inc., a Delaware corporation, with offices at 600 Mountain Avenue, Murray Hill, New Jersey 07974, United States of America, ("ASSIGNOR") and Agere Systems Guardian Corp., a Delaware corporation, with offices at 555 Union Boulevard, Allentown, PA 18109, United States of America ("Agere Systems Guardian").

## RECITALS

A. WHEREAS, the Board of Directors of ASSIGNOR has determined that it is in the best interests of ASSIGNOR and its stockholders to separate ASSIGNOR's existing businesses into two independent businesses;

B. WHEREAS, ASSIGNOR presently owns or controls certain patents, patent applications, and invention submissions listed in the attached Appendices A and B (hereinafter "TRANSFERRED PATENTS") and;

C. WHEREAS, in furtherance of the foregoing separation, ASSIGNOR desires to transfer, assign, convey, deliver and vest all of its interests and rights in TRANSFERRED PATENTS for all countries, jurisdictions and political entities of the world, to and in Agere Systems Guardian;

NOW, THEREFORE, in consideration of the premises and for other good and valid consideration, the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound, agree as follows:

ASSIGNOR, subject to existing rights and licenses of third parties, does hereby assign, convey, transfer and deliver, and agrees to assign, convey, transfer and deliver to Agere Systems Guardian, its successors, assigns and legal representatives or nominees, ASSIGNOR's entire right, title and interest, for all countries, jurisdictions and political entities of the world, along with the right to sue for past infringement, to all TRANSFERRED PATENTS listed on Appendices A and B, and corresponding counterpart foreign patents and patent applications, with respect to which, and to the extent to which, ASSIGNOR now has or hereafter acquires the right to so assign, convey, transfer and deliver. Agere Systems Guardian recognizes that ASSIGNOR holds only bare legal title to the TRANSFERRED PATENTS listed in Appendix A (which lists the United States Patents and patent applications previously exclusively licensed to Lucent Technologies Microelectronics Guardian Corp.).

ASSIGNOR and ASSIGNEE recognize that the patents listed in Appendices A and B may inadvertently include patents that are owned by various subsidiaries of ASSIGNOR, including Agere, Inc., Ortel Corporation, Optimay Corporation, Hemmann Technology, Inc., and Enable Semiconductor, Inc. Ownership of such patents shall not be affected by this Patent


Assignment, and ASSIGNEE agrees that any such patents shall be deemed deleted from Appendices A and B.

ASSIGNOR agrees that, upon request it will, at any time without charge to Agere Systems Guardian, but at Agere Systems Guardian's expense, furnish all necessary documentation relating to or supporting chain of title, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for vesting title to TRANSFERRED PATENTS in Agere Systems Guardian, its successors, assigns and legal representatives or nominees; including but not limited to any acts which may be necessary, desirable or convenient for claiming said rights and for securing and maintaining patents for said inventions in any and all countries and for vesting title thereto in Agere Systems Guardian and its respective successors, assigns and legal representatives or nominees.

Execution Copy

IN WITNESS WHEREOF, the parties have caused this PATENT ASSIGNMENT to be executed by their duly authorized representatives as of the Effective Date.

**LUCENT TECHNOLOGIES INC.**

By:   
Daniel P. McCurdy  
President, Intellectual Property Business

**AGERE SYSTEMS GUARDIAN CORP.**

By:   
Fred M. Romano  
President

Execution Copy

ACKNOWLEDGMENTS

STATE OF NEW JERSEY )

: ss:

COUNTY OF SOMERSET )

I CERTIFY that on January 30, 2001, Daniel P. McCurdy personally came before me and this person acknowledged under oath, to my satisfaction that:

a.) this person signed, sealed and delivered the attached Patent Assignment as President - Intellectual Property Business of Lucent Technologies Inc.; and

b.) this Patent Assignment was signed and made by Lucent Technologies Inc. as its voluntary act and deed by virtue of authority from its Board of Directors.



Name **TAMORA ANNE HANNA**  
Notary Public Notary Public of New Jersey  
My Commission Expires **Registered in Hunterdon County**  
[Notarial Seal] My Commission Expires March 25, 2002

STATE OF FLORIDA )

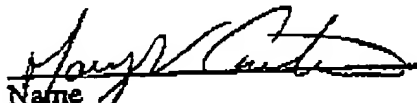
: ss:

COUNTY OF ORANGE )

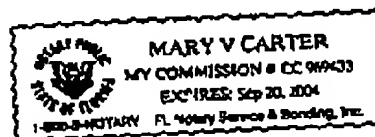
I CERTIFY that on January 31, 2001, Fred M. Romano personally came before me and this person acknowledged under oath, to my satisfaction that:

a.) this person signed, sealed and delivered the attached Patent Assignment as Vice President of Agere Systems Guardian Corp.; and

b.) this Patent Assignment was signed and made by Agere Systems Guardian Corp. as its voluntary act and deed by virtue of authority from its Board of Directors.



Name  
Notary Public  
My Commission Expires:  
[Notarial Seal]



APPENDIX B (continued)  
Transferred Patents (patent disclosures)

ID# No.	Inventors	Subject Matter
Johanson 100-00	Johanson, James A. ,538870000;Mooney, Phillip D. ,538870000.	Answering Machine Extension
Jones 1-0-15-1	Jones, Robert Francis ,55K12K000;Lobbins, Jonathon Markon ,55K12K000;Olmer, Leonard Jay ,55K12K000;Ross, Bennett J ,55K12M000,	New System To Detect Unwanted Pressure Variations Leading To Doped Oxide Related Product Scrap
Ju 3	Paicheng Ju,538531000	A Bandgap Reference Circuit For VDD=0.75V in 0.18um Digital CMOS
Kataria 4	Kataria, Deepak ,50N310000,	Novel Credit Based Buffer Management When Using VC-Merge Projection Electron Beam Lithography Apparatus
Katsap 0-2-2-14	Victor Katsap,BL0111220;Pieter Kruit,OUTSIDE;Daniel Moonen,OUTSIDE;Warren K Waskiewicz,BL0111220	
Kavipurapu 1	Kavipurapu, Anil ,538440000,	A Self Monitoring/Self Adapting Power Reduction Digital Circuit Block
Kopmeiners 4-18	Kopmeiners, Robert John ,NSI07550;van Nee, D. J. ,NSI07518,	Simplified DQPSK Receiver For Code Transmission Systems
Lakshmikum ar 21	Lakshmikummar, Kadaba R ,538531000,	Bandwidth Enhancement Of Source/Drain Resistors
Layadi 20-131-21	Layadi, Nace ,538112000;Merchant, Sailesh Mansinh ,538114000;Mofoy, Simon John ,538112000,	Method For Cleaning Tungsten From Deposition Chamber Walls
Layadi 20-36	Layadi, Nace ,538112000;Maury, Alvaro ,538115000,	Method For Reducing Tungsten Seam In Via Plug
→ Lin 3	Jingdong Lin,50M32MD10	An Optimal Method For Sharing Data Channel With Voice Signals
Liu 2	Liu, Peter T ,538842000,	Mixed-mode Approach to Regulating Energy Consumption in Reducing Buried Metal Fuses
Lobbins 0-4-1-1	Jonathon M Lobbins,55K12K000;Lauri M Nelson,55K12C000;Danica D Smith,55K11G000;Dominique A Wesby,55K12L000	Improved BPSQ Planarity To Reduce CMP Time And Reverse Method To Remove Surface Crystal Defects Using Modified Plasma Etch
Logan 8 Ma 00-1	Shawn M Logan,538458000 Yi Ma,538113000;Edith Yang,538113000	REPL A Method Of Forming A High Quality Gate Oxide Layer Having A Uniform Thickness
Ma 01	Yi Ma,538113000	Gate Dielectric And Silicon Interface Formation For High-K Materials
Merchant 00-7-105	Merchant, Sailesh Mansinh ,538114000;Mira, Sudhanshu ,538114000;Roy, Pradip Kumar ,538113000,	CMP Optical End Point Detection Method Using Dummy Features In Water
Merriam 1	John Merriam,BL0314900	Multi-Channel Processing of DOCSIS Upstream Signals
Merriam 2	John Merriam,BL0314900	The Multi-Channel Baseband Receiver (MBR)
Merriam 3	John Merriam,BL0314900	Multi-Channel Processing of DOCSIS Upstream Signals
Mira 30-170	Mira, Sudhanshu ,538115000;Roy, Pradip Kumar ,538113000,	Uniquely Designed Composite Pads For CMP Applications
Mobin 40-0-13	Mobin, Mohammad Shafiq ,538491000;Thaker, Himanshu Mahendra ,538490000;Wu, Lesley Jen-Yuan ,BL0314300,	PNG For DVD/CD
Mooney 03-17	Phillip D Mooney,538870000;John P Veschi,P33A40000	Cell Waiting Center Identifier

# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"AGERE SYSTEMS GUARDIAN CORP.", A DELAWARE CORPORATION, WITH AND INTO "AGERE SYSTEMS INC." UNDER THE NAME OF "AGERE SYSTEMS INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-NINTH DAY OF AUGUST, A.D. 2002, AT 9 O'CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF OWNERSHIP IS THE THIRTY-FIRST DAY OF AUGUST, A.D. 2002.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State

3268412- 8100M

AUTHENTICATION: 1959517

020545223

DATE: 08-29-02

STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 09:00 AM 08/29/2002  
020545223 - 3268412

**CERTIFICATE OF OWNERSHIP AND MERGER****OF**

**Agere Systems Guardian Corp.**  
**(a Delaware corporation)**

**INTO**

**Agere Systems Inc.**  
**(a Delaware corporation)**

**UNDER SECTION 253 OF THE GENERAL  
CORPORATION LAW OF THE STATE OF DELAWARE**

**Agere Systems Inc., a corporation organized and existing under the laws of Delaware ("Corporation"), DOES HEREBY CERTIFY:**

**FIRST:** The Corporation is the owner of all of the outstanding shares of common stock of Agere Systems Guardian Corp., which is also a business corporation of the State of Delaware.

**SECOND:** On August 22, 2002 the Subsidiary Governance Committee of the Board of Directors of the Corporation adopted the following resolution to merge Agere Systems Guardian Corp. into the Corporation:

**RESOLVED** that Agere Systems Guardian Corp., a Delaware corporation, shall be merged with and into Agere Systems Inc., a Delaware corporation, with Agere Systems Inc. being the surviving corporation, and Agere Systems Inc. shall thereupon assume all of the obligations of Agere Systems Guardian Corp."

**THIRD:** That the merger authorized hereby shall become effective as of 9:00 a.m. Eastern Standard Time on August 31, 2002.

Executed on August 22, 2002

**AGERE SYSTEMS INC.**

By Paul Bento  
Paul Bento, Vice President

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